

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session **Monday, March 16, 2009**, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

1. **ROLL CALL**

Mayor Owen called the meeting to order at 7:12 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson, and Kolaja; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

2. **PLEDGE OF ALLEGIANCE**

Police Captain Larry Capps led the *Pledge of Allegiance*.

3. **PRESENTATIONS AND RECOGNITIONS**

Llarance Turner made a presentation regarding the donation made by **Blue Ridge MUD for Water Playground to Hunter's Glen Park**.

4. **CONSENT AGENDA**

- (a) Consider approving the **minutes** of the **special** and **regular** City Council meeting of **March 2, 2009**.
- (b) Consider authorizing an agreement with **ESPA Corporation** for design of the **Community Park parking lot expansion**.
- (c) Consider authorizing the repair of **ballfield light poles** at **Community Park** using the Buyboard's cooperative purchasing program.
- (d) Consider awarding a term supply contract for **ready mix concrete**.
- (e) Consider awarding a term services contract for **janitorial services**.
- (f) Consider awarding a contract for the purchase of **Fire Records Management Software**.

Councilmember Jimerson moved to approve the Consent Agenda pursuant to recommendations by Staff. Councilmember Gary seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

Agenda item 4(b) is to authorize an agreement with **ESPA Corporation** for design of the **Community Park parking lot expansion not to exceed \$33,050.00**.

Agenda item 4(c) is to authorize the repair of **ballfield light poles** and improvements to light fixtures at **Community Park** using the Buyboard's cooperative purchasing program contract with **Musco Lighting** in the amount of **\$127,948.00**.

Agenda item 4(d) is to award a term supply contract for **ready mix concrete** to **Allied Concrete** in the amount of **\$83.00**, the price per cubic yard.

Agenda item 4(e) is to award a term services contract for **janitorial services** to **Claron Building Maintenance** in the amount of **\$156,800.00** for the initial term of the contract.

Agenda item 4(f) is to award a contract for the purchase of **Fire Records Management Software** from **Zoll Data Systems** for an amount not to exceed **\$60,180.00**.

5. APPOINTMENTS

- (a) Consider authorizing the appointment of a **replacement** director for **Director – Position 1** to the Board of Directors of the **Sienna Plantation Management District**.

Councilmember Gary moved to appoint **Marcos Vela** as **Director – Position 1** of the Board of Directors of the **Sienna Plantation Management District**. Councilmember Kolaja seconded. **MOTION PASSED**.

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

6. AUTHORIZATIONS BY COUNCIL

- (a) Consider authorizing a **Tri-Party Agreement** among **Reinvestment Zone Number Three**, the **City of Missouri City** and the **Missouri City Development Authority** to provide for **duties and responsibilities related to the Zone**.

Mayor Pro Tem Reiter moved to authorize a **Tri-Party Agreement** among **Reinvestment Zone Number Three**, the **City of Missouri City** and the **Missouri City Development Authority** to provide for **duties and responsibilities related to the Zone**. Councilmember Gibson seconded. **MOTION PASSED**.

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (b) Consider **rescinding** the **agreement** with **Reinvestment Zone Number Three** for **administrative and legal services**.

Councilmember Wyatt moved to **rescind** the **agreement** with **Reinvestment Zone Number Three** for **administrative and legal services**. Councilmember Kolaja seconded. **MOTION PASSED**.

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (c) Consider authorizing **acceptance of letters of credit** from **Olympia Estates I Associates, Ltd.**, in lieu of an immediate dedication of parkland.

Councilmember Wyatt questioned who would be the issuer of the letter of credit. City Attorney Kelley stated Hibernia Bank would issue the letter of credit.

Councilmember Wyatt moved to authorize the **acceptance of letters of credit** from **Olympia Estates I Associates, Ltd.**, in lieu of an immediate dedication of parkland. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (d) Consider authorizing a **refund** of **\$46,200** in parkland dedication fees to **Olympia Estates I Associates, Ltd.**, upon the conveyance of 1.3 acres of parkland attributable to Section 2, Phase 1 of the Olympia Estates subdivision.

Mayor Pro Tem Reiter moved to authorize a **refund** of **\$46,200** in parkland dedication fees to **Olympia Estates I Associates, Ltd.**, upon the conveyance of 1.3 acres of parkland attributable to Section 2, Phase 1 of the Olympia Estates subdivision. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (e) Consider authorizing City Staff to **negotiate** and the Mayor to execute a **professional audit services contract** with **Null-Lairson, P.C.**

Mayor Pro Tem Reiter moved to authorize City Staff to **negotiate** and the Mayor to execute a **professional audit services contract** with **Null-Lairson, P.C.** Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

7. PUBLIC COMMENTS

There were no Public Comments at this time.

8. PUBLIC HEARINGS

- (a) Second and final public hearing to receive comments for the proposed use of FY 2009 Annual Action Plan and the use of the **Community Development Block Grant funds**.

The public hearing opened at 7:26 p.m. With no comments, the public hearing closed at 7:26 p.m.

Mayor Pro Tem Reiter moved to close the public hearing at 7:26 p.m. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

9. PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES

- (a) Public hearing to receive comments for or against a request by **Joseph J. Bhonn** to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for private septic systems and water wells; providing a penalty; providing for severability; and to **consider the ordinance on the second and final reading**. The subject site is located at 6201 Johnson Dr. in the Oyster Creek Farms residential subdivision, north of the Houston Community College Campus, south of State Hwy. 6, southeast of Sienna Ranch Rd. and west of McKeever Rd.

The public hearing opened at 7:27 p.m. Councilmember Kolaja confirmed the applicant is planning to subdivide the property, but questioned if he would install an aerobic spray system. Planner Thomas directed Councilmember Kolaja's question to the applicant, Mr. Joseph Bhonn.

Mr. Bhonn stated he is a Missouri City resident who plans to divide his property into two pieces and sell them. He indicated the State of Texas was contacted, and he was informed that the septic sprinkler system was the only system allowed in this area of Texas. With no further comments, the public hearing closed at 7:31 p.m.

Councilmember Gary moved to approve the request by **Joseph J. Bhonn** to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for private septic systems and water wells **on the second and final reading**. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

10. CONSIDERATION OF ORDINANCES

There were no Consideration of Ordinances on this agenda.

11. CONSIDERATION OF RESOLUTIONS

- (a) Consider a resolution of the City of Missouri City, Texas, approving and ratifying **submission** of the **Supplemental Victims of Crime Victim Act grant application** to the **Criminal Justice Division** of the Governor to fund the Crime Victim Liaison Project and containing other provisions related thereto.

Councilmember Gibson moved to approve the resolution of the City of Missouri City, Texas ratifying the **submission** of the **Supplemental Victims of Crime Victim Act grant application** to the **Criminal Justice Division** of the Governor to fund the Crime Victim Liaison Project. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

12. RECEIVING OF REPORTS

Mayor Owen proudly announced the attendance of Ron Lee at tonight's City Council meeting after a recent health scare at the Wednesday, March 11, 2009, Planning and Zoning meeting.

13. CLOSED EXECUTIVE SESSION

At 7:32 p.m., Council convened in closed executive session pursuant to chapter 551 of the Texas Government Code, for one or more of the following reasons:

Texas Government Code, Section 551.071 -- Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: recovery of costs related to City's withdrawal from plans to design and build a wastewater treatment plant in the Mustang Bayou Utility Service Area.

Texas Government Code, Section 551.087 -- Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: manufacturing prospect update.

14. CONVENE INTO OPEN SESSION

Council reconvened into open session at 7:45 p.m.; no action taken at this time.

15. ADJOURN

The meeting adjourned at 7:45 p.m.

Patrice Fogarty, City Secretary